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United States District Court  
Eastern District of Michigan  
Case No. 0645 2:21 CR 20329 (1)

United States of America  
-v-  
Brandi Hawkins

F I L E D  
SEP 30 2022  
CLERK'S OFFICE  
DETROIT

Motion For Reconsideration 18 U.S.C. 3742(e)  
Post Sentencing Rehabilitation Programming

Comes Now, the defendant, in Pro Se,  
requesting a reduction of Sentence pursuant  
to 18 U.S.C. 3742(e) post Sentencing Rehabilitation.  
The defendant has been incarcerated at  
FPC Alderson Federal Camp Since April 9<sup>th</sup>, 2022  
and during this time she has earned a  
total of 7 Certificates for Programming.  
Pursuant to 18 U.S.C. 3742(e) the defendant  
could be considered for a reduction of  
Sentence per Pepper-v- United States,  
Supreme Court 131, S.Ct. 1229, 179 L Ed 2d  
196 (2011) U.S. Lexis 1902 argued December 6, 2010  
decided March 2<sup>nd</sup>, 2011.

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The downward variance was based on Pepper's lack of history of violence and Pepper's Post Sentencing Rehabilitation, as with *US -v- Booker*, Supreme Court 160 L Ed.2d. 621, 1255 S. Ct. 736 (2005), 18 U.S.C. 3742(e) *Gall -v- United States* 552 U.S. 38, 1285 S. Ct. 586, 169 L Ed. 2d. 445 (2007) Lexis 13083 argued October 2, 2007, decided December 10<sup>th</sup> 2007. An Inmate Terrie L. Burns -v- United States (4<sup>th</sup> Cir) July 16, 2012 received a 30-Month Sentence reduction for Programming at FPC Alderson Federal Camp. A Sentence reduction based on Post Conviction Rehabilitation can hardly be said to be inconsistent with the policies underlying an award of good time credit under 18 U.S.C. 3624(b) because the two serve distinctly different interests. An Award of good time credit by the Federal Bureau of Prisons (BOP) does not affect the length of Court imposed Sentence, rather, it is an administrative reward to provide an incentive for prisoners to comply with institutional disciplinary

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regulations. Such credits may be "Revoked" at any time before the date a prisoner is due to be Released, 18 U.S.C. 3624(b)(2)

In Contrast, a Court's imposition of a reduced Sentence based on post Sentencing rehabilitation changes the very terms of imprisonment and recognizes that the defendant's Conduct Since her initial Sentencing Warrants less Severe Criminal Punishment. Once imposed, a Sentence May be Modified only in Very Limited Circumstances 18 U.S.C. 3582(c).

Instead, the difference between the two is reflected most obviously in the fact that the Federal Bureau of Prisons (BOP) has "NO" Authority to award Good time credit, where the defendant's Good behavior occurs after a Sentence has "Already" been Served.

Where Fore, the defendant asks this Court on all Premises Mentioned above and in the Most Humble Manner Possible to Consider that the defendant is Currently 7 Months

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Pregnant, To Consider the defendant's unborn child whom she will have to depart with after birth, the defendant's 6 other minor children whom are living with the defendant's elderly mother, which 3 of the minor children have born disabilities and that makes it very difficult to care for the children with the mother's own illnesses and elements. The defendant asks this Honorable Court to accept her certificates for programming and issue an order, granting the defendant a reduction of sentence based on the foregoing.

Respectfully Submitted,  
Barbara Danks

9/22/22

## Certificate of Service,

I, Brandi Hawkins Certifies I have Served a Copy of this Motion on the Clerk of Court EDO of Michigan. The defendant asks a Copy of this Motion be Sent to All interested parties via CM/ECF System. the defendant is detained, indigent and has No other Means.

Done this 22<sup>nd</sup> Date of Sept. 2022  
Respectfully Submitted,  
Brandi Hawkins

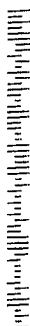
Brandi Hawkins  
#52408-509  
FPC Alderson Federal Camp  
P.O. Box A  
Alderson, WV 24910

Brandi Hawkins #52408-509 B-3  
Anderson Federal Prison Camp  
P.O. Box A  
Anderson WV 24910

U.S. MAIL

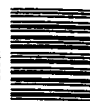
Honorable Earl D. Burroughs

2231 W. Lincoln St.  
Det. John H. Hester



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